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Attorney Docket No. 25-257
Patent

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Takashi SUZUKI

Serial No.: 10/743,824

Art Unit: 2873

Currently
Accorded

Filing Date: December 24, 2003

Examiner:

For: RETROFOCUS, WIDE-ANGLE LENS

PETITION TO CORRECT FILING DATECommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 6, 2004

Sir:

Although the Filing Receipt now reflects that the application papers for the above-identified application were filed on December 24, 2003, the undersigned deposited them into the drop box at the Office of Initial Patent Examination on the afternoon of Friday, December 26, 2003. Unknown to the undersigned at the time of preparing the application papers for filing, the President of the U.S. (apparently on short notice) had given government workers a holiday on Friday, December 26, 2003. Thus, **the filing date that should have been accorded the application papers is the first working day following their deposit, which was Monday, December 29, 2003.**

Attached hereto is a check in the amount of \$130.00 to cover the fee for this petition. However, **it is respectfully requested that the petition fee be refunded** to my Deposit Account No. 01-2509 on the basis that the error in according the application a filing date of December 24, 2003, was clearly the fault of the PTO. The Patent Application Transmittal Form was dated December 26, 2003, and therefore it should have been apparent that the application papers were not filed on December 24, 2003.

Respectfully submitted,

ARNOLD INTERNATIONAL

By

Bruce Y. Arnold
Reg. No. 28,493P.O. Box 129
Great Falls, VA 22066-0129

(703) 759-2991

15/07/2004 ARDNDAF1 00000034 10743824

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130.00 DP

Adjustment date: 10/11/2005 SDIRETAL
05/07/2004 ARDNDAF1 00000034 10743824
01 FC:1460 -130.00 DPRepln. Ref: 10/11/2005 SDIRETAL 0007541700
DA#-012509 Name/Number: 10743824 \$130.00 CR
FC: 9204



ARNOLD INTERNATIONAL

Intellectual Property Law
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US PATENT & TRADEMARK
OFFICE

August 17, 2005

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

RE: REQUEST FOR REFUND IN U.S. APPLICATION NO. 10/743,824

Dear Sir:

It is requested that \$130.00 be credited to my Deposit Account No. 01-2509. This amount was paid by check when filing a Petition to Correct Filing Date that was filed in the above-identified application on May 6, 2004. A copy of the check, as well as a copy of the Decision, which granted the application the filing date that it should have been granted initially, is enclosed.

As the error in according the application a correct filing date was on the part of the USPTO, and not the fault of the undersigned or the applicant, it would seem appropriate that a refund be provided.

Thank you.

Respectfully submitted,

Bruce Y. Arnold
Bruce Y. Arnold

Attachments: Copy of Check No. 824 in the amount of \$130.00
Copy of Decision dated August 12, 2005

ARNOLD INTERNATIONAL 04/98
IOLTA TRUST ACCOUNT
P O BOX 129
GREAT FALLS, VA 22088

824

65-270550

PAY TO THE ORDER OF

May 6, 2004

DATE

Commissioner for Patents \$ 130.00

One hundred thirty and 10/100 DOLLARS

SUNTRUST
SunTrust Bank

25-257

FOR Petition to Convert F.I. M&E Bank of America

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PO BOX 129
GREAT FALLS VA 22066

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AUG 12 2005

OFFICE OF PETITIONS

In re Application of :
Takashi Suzuki :
Application No. 10/743,824 :
Filed: December 29, 2003 :
Attorney Docket No. 25-257 :

ON PETITION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PETITION TO CORRECT FILING DATE", filed November 10, 2004, which is being treated as a petition under 37 CFR 1.53(e)(1) to accord the above application a filing date of December 29, 2003.

The petition is **GRANTED**.

Petitioner argues that the above-identified application was deposited in a drop box with the Office of Initial Patent Examination (OIPE) on December 26, 2003.¹ However, as December 26, 2003 was a federal holiday, petitioner states that the application should be accorded a filing date of the next business day, or December 29, 2003. Petitioner argues that the application should not be accorded the presently accorded filing date of December 24, 2003.

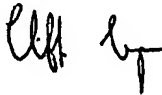
¹ An Office investigation into the matter revealed evidence to suggest that the OIPE drop box was locked at midnight on December 24, 2003, and was not opened again for deposits until December 29, 2003.

Petitions were filed on May 6, 2004 and July 23, 2004, and dismissed in decisions mailed on July 7, 2004 and November 4, 2004.

On request for reconsideration, petitioner has submitted sufficient evidence to establish that the above-identified application was deposited on December 26, 2003. Specifically, petitioner has included a copy of log papers showing that the application papers were filed on December 26, 2003. In addition, petitioner has included a copy of an e-mail with a time and date-stamp of 12:04 P.M. on December 26, 2004, stating that the application papers were filed that same day.

The application file is being forwarded to the Office of Initial Patent Examination to change the filing date from December 24, 2003 to December 29, 2003. Thereafter the file will be forwarded to the Certificate of Corrections Branch for issuance of a Certificate of Correction indicating a filing date of December 29, 2003, not December 24, 2003.

Telephone inquiries should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions